

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

HOUSE BILL 2788

By: Downing

AS INTRODUCED

An Act relating to public health and safety; amending 63 O.S. 2011, Section 2-104.1, which relates to the Uniform Controlled Dangerous Substances Act; adding ex officio member to the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control Commission; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 63 O.S. 2011, Section 2-104.1, is amended to read as follows:

Section 2-104.1 A. There is hereby created an Oklahoma State Bureau of Narcotics and Dangerous Drugs Control Commission which shall consist of ~~seven (7)~~ the following members:

1. One ex officio member, who shall be the Attorney General or designee; and

2. Seven appointed members, not more than two of whom shall be from the same congressional district. However, when congressional districts are redrawn, each member appointed prior to July 1 of the year in which such modification becomes effective shall complete the current term of office and appointments made after July 1 of the

1 year in which such modification becomes effective shall be based on
2 the redrawn districts. No appointments may be made after July 1 of
3 the year in which such modification becomes effective if such
4 appointment would result in more than two members serving from the
5 same modified district. The members shall be appointed by the
6 Governor and confirmed by the Senate and shall be removable only for
7 cause, as provided by law for the removal of officers not subject to
8 impeachment. The term of office of each member shall be seven (7)
9 years. The first appointments shall be for the following terms as
10 designated by the Governor: one member for a term of one (1) year;
11 one member for a term of two (2) years; one member for a term of
12 three (3) years; one member for a term of four (4) years; one member
13 for a term of five (5) years; one member for a term of six (6)
14 years; and one member for a term of seven (7) years. A member may
15 serve more than one term on the Commission. Each member shall
16 continue to serve so long as the member is qualified until a
17 successor has been appointed and confirmed by the Senate. Vacancies
18 occurring during a term shall be filled for the unexpired portion of
19 the term by the same procedure used to make the regular
20 appointments.

21 B. Four of the appointed members shall represent the lay
22 citizenry, one appointed member shall be a district attorney while
23 serving in that capacity, one appointed member shall be a sheriff
24 while serving in that capacity, and one appointed member shall be a

1 chief of police while serving in that capacity; provided that the
2 sheriff and police chief members shall have successfully completed
3 an approved course of instruction for peace officers as required by
4 law.

5 C. Annually the Commission shall select one of the Commission
6 members to serve as chair and one member to serve as vice-chair.
7 The Commission shall meet at least quarterly. The chair shall
8 preside at all meetings of the Commission and shall have the power
9 to call meetings of the Commission. In addition, meetings of the
10 Commission may be called by a majority of the members. The vice-
11 chair shall perform these functions in the absence or incapacity of
12 the chair. A quorum of four members of the Commission shall be
13 necessary to conduct any official business. All actions taken by
14 the Commission shall be by a simple majority vote of a quorum. In
15 the event of a tie vote, the measure being voted upon shall be
16 deemed to have failed.

17 The Commission shall adopt rules of procedure for the orderly
18 performance of its functions.

19 D. Members of the Commission shall serve without salary but may
20 be reimbursed for travel expenses in attending meetings and
21 performing their duties in the manner provided for other state
22 officers and employees under the State Travel Reimbursement Act. No
23 other provisions of law shall be construed as prohibiting public
24 officers from also serving as members of the Commission, nor shall

1 any other provisions of law be construed as prohibiting public
2 officers or public employees from performing services for the
3 Commission without compensation. It is further provided that no
4 town, city, county, or other subdivision or other agency of state
5 government shall be prohibited from receiving a grant or from
6 benefiting from grants or expenditures of the Commission for the
7 reason that an officer or employee of such town, city, county, or
8 other subdivision or agency of state government is a Commission
9 member or employee.

10 E. The Commission shall have the following powers and duties
11 and responsibilities:

12 1. To appoint the Director of the Oklahoma State Bureau of
13 Narcotics and Dangerous Drugs Control, whose compensation shall be
14 determined by the Legislature.

15 2. To hear any complaint against the Oklahoma State Bureau of
16 Narcotics and Dangerous Drugs Control or any of its employees
17 according to the following procedure:

18 a. Only those complaints which have been submitted in
19 writing and are signed will be acted upon by the
20 Commission.

21 b. All hearings on complaints shall be conducted in
22 executive sessions, and shall not be open to the
23 public.
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1 c. The Commission shall have limited access to pertinent
2 investigative files when investigating a complaint.
3 The Director shall provide a procedure whereby the
4 identification of all persons named in any
5 investigative file except the subject of the complaint
6 and the complaining witness shall not be revealed to
7 the members of the Commission. Any consideration of
8 files shall be in executive session not open to the
9 public. No information or evidence received in
10 connection with the hearings shall be revealed to any
11 person or agency. Any violation hereof shall be
12 grounds for removal from the Commission, and shall
13 constitute a misdemeanor.

14 3. To make recommendations to the Director of any needed
15 disciplinary action necessary as a result of an investigation
16 conducted upon a complaint received.

17 4. To establish general procedures with regard to assisting law
18 enforcement officers and district attorneys.

19 5. To establish a program of training for agents utilizing such
20 courses as the National Police Academy conducted by the Federal
21 Bureau of Investigation.

22 SECTION 2. This act shall become effective November 1, 2018.
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